

## **PROCEDURES FOR REQUESTING WELL WAIVERS**

### **New and Existing Construction**

Currently, HUD Handbook 4910.1 allows for a lesser distance from the well to a soil-poisoned area (from 25 to 15 feet), or drainfield (from 100 to 50 feet) if the well penetrates impervious strata of clay, hardpan or rock.

The DE Underwriter may accept these lesser distances for both new and existing construction with the proper documentation provided the reduced distances are acceptable to state and local authorities. If so, evidence that the ground surface is effectively separated by impervious strata may be supported by a well-driller's log or acceptable substitute. Additionally, a survey or a professional drawing is required to be placed in the case binder. See the "Procedure" section below for details. Note that the well cannot be within 10 feet of any roadway or the property line of other than a single-family residence, i.e., the well cannot be within 10 feet of a commercial, industrial or multifamily building. WHERE THE PROPERTY MEETS THE PRECEDING A REQUEST TO WAIVE THE HANDBOOK STANDARDS IS NOT REQUIRED.

### **Existing Construction ONLY**

For **existing** construction over one-year old, a request to waive the HUD Handbook for the minimum distance requirements from the well to a potential source of pollution will be considered only with sufficient justification and if that distance is less than that allowed by the handbook.

The HOC will accept for review, on a case-by-case basis, a waiver application on existing construction if the underwriter determines there is adequate justification to request such a waiver and if the following distances from the well are acceptable to the state or local government:

- Soil-poisoned area is less than 15 feet;
- Septic tank is less than 50 feet; or
- Septic drainfield is less than 50 feet.

### **Procedure**

Waiver applications are considered only for **existing** construction. The HOC will not accept any application for waiver of new construction. New construction is defined as any property which is proposed, under construction or existing less than one year.

The following is required to be included with the request for waiver:

Appraisal. The appraisal should indicate the property contains a well and septic system and that public water and sewer are not available. If public water and

sewer are available, the lender must determine if connection is feasible (HUD Handbook 4150.2). If not, include the reasons with the request for waiver.

Survey. The survey or professional drawing with all notations must indicate the distance from the subject well to the septic tank, lot-line, drainfield and chemically poisoned soil on the subject site as well as all adjacent, adjoining and contiguous sites. If there are no improvements on the neighboring lots, the notation of "vacant" on the drawing is adequate.

Easement. A letter from the utility company acknowledging the well will not hinder their normal operations, if the well is located in an utility easement.

Well-driller's Log. Evidence that the ground surface is effectively separated by impervious strata may be supported by a well driller's log or acceptable substitute. Acceptable substitutes such as a subsurface evaluation letter from either the local Water Management District or Health Department or a letter from a qualified well installer provided they clearly show data which would otherwise have been revealed by the well-driller's log may suffice. The underwriter must insure the well-driller's log (or acceptable substitute) denotes apparent impervious strata. **If this information is not available, the property is not eligible for HUD/FHA mortgage insurance.**

Water Test. A water test in accordance with the latest state and local drinking water regulations for private wells is necessary. This includes all microbiological and chemical test parameters in the regulation. If there are no local or adequate state requirements then the maximum contaminant levels established by the Environmental Protection Agency (EPA) will apply.

State/Local Authority. Evidence from the appropriate authority indicating acceptance of the well in relation to the soil-poisoned area, septic tank, and septic drainfield.

Termite Report. Required for well to soil-poisoned area waiver requests.

## References:

Mortgagee Letter 2005-48  
24 CFR 200.926d (f)(3)  
HUD Handbook 4905.1, page 2-2  
HUD Handbook 4910.1, Chg. 1, Appendix K, page K-22  
HUD Handbook 4150.2